



STATE OF INDIANA

Mitchell E. Daniels, Jr.
Governor

INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD
INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE, SUITE N1049
INDIANAPOLIS, IN 46204-2211
(317) 233-6620
(317) 233-6632 FAX

EXCLUSIVE REPRESENTATIVE

SCHOOL CORPORATION

Impasse Declaration for the 2012-2013 Bargaining Season

IEERB declares impasse between the parties referenced above for the 2012-2013 bargaining season.

Within 15 days, IEERB will appoint a mediator and mediation will begin. Mediation will last up to 30 days and consist of 1-3 sessions. The cost of mediation will be split by the parties. Parties who settle during mediation should send a ratified contract to IEERB at ratifiedcontract@ieer.in.gov immediately to avoid being sent to factfinding. Parties who do not settle during mediation will be required to exchange LBOs and proceed through factfinding, the cost of which also will be split by the parties. IEERB's LBO requirements for the 2012-2013 bargaining season are attached. Failure to submit a compliant LBO may result in its dismissal.

Please complete the attached Impasse Information sheet and submit it to Maureen Johnson at mjohnson@ieerb.in.gov by _____.

If you believe you have received this declaration in error, you may contact IEERB's General Counsel, Sarah Cudahy, at (317) 233-6625. Before calling, please ensure that a ratified contract for 2012-2013 has been submitted to IEERB.

More information on impasse procedures may be found online at www.in.gov/ieerb.

Dated this ____ day of _____, 2012.

Patrick W. Mapes
IEERB Chairman

Att: Impasse Info. Sheet; LBO Requirements for 2012-2013 Bargaining Season
Distribution list:



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Impasse Declaration sent via email to

Exclusive Representative
School Corporation



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Impasse Information Sheet

Party name: _____

Chief Spokesperson (if represented by counsel, please list counsel info):

Name: _____

Position: _____

Address: _____

Email: _____

Phone number: _____

Individual to whom billing invoices should be submitted:

Name: _____

Position: _____

Address: _____

Email: _____

Phone number: _____

Parties are responsible for keeping their contact information current by emailing
Maureen Johnson at mjohnson@ieerb.in.gov or calling (317) 233-6620.



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LBO Requirements for 2012-2013 Bargaining Season

I. Format (may add sections, but the sections below are *mandatory*) **see also sample below**

- A. Last, Best Offer
 - 1. Amount
 - 2. DOE Certification of General Fund Revenue Amount
 - 3. DLGF Certification of General Fund Operating Referendum Amount (if applicable)
 - 4. Proposed Contract Terms
- B. Narrative Supporting LBO
 - 1. Fiscal rationale for LBO
 - 2. Policy rationale for LBO
- C. Supporting Documentation List (attach documents)
- D. Proof of Service

II. Information

- A. Required Information
 - 1. LBO amount
 - 2. DOE certification of general fund revenue amount
 - 3. DLGF certification of general fund operating referendum amount (if applicable)
 - 4. Proposed contract terms
 - 5. Fiscal rationale for the Last, Best Offer
 - 6. Policy rationale for LBO (four factors listed in IC 20-29-8-8)
- B. Recommended Information
 - 1. All items included in LBO amount (e.g., health benefits, salary, etc.)
 - 2. Description of unique features of district/budget
 - 3. % of DOE certification amount in LBO
 - 4. Number of bargaining unit members
 - 5. Estimated number of bargaining unit members whose wages, salary, or wage and salary related fringe benefits are or will be paid in total by funds external to the General Fund for the term of the LBO
 - 6. Estimated number of bargaining unit members whose wages, salary, or wage and salary related fringe benefits are or will be partially paid by funds external to the General Fund for the term of the LBO

III. Documents

A. Required Documents

1. DOE certification of general fund revenue
2. DLGF certification of general fund operating referendum (if applicable)
3. Proposed contract
4. Scattergram of identified bargaining unit employees
5. Verification regarding deficit financing
6. Current & projected costs from the General Fund for bargaining unit members, including wages/salary and wage and salary related benefits.

B. Recommended Documents

1. Projected effects of multiple count days on DOE revenue estimate
2. Annual budget by line item for 2011, 2012, 2013
3. Current & project costs for all employees, including wages/salary and wage and salary related benefits, and the source of funding
4. Utility costs
5. Comparison of prior year's budget
6. Three year+ history of revenues/expenditures
7. ADM for last three years & projected ADM for next two years
8. Form 30
9. Certificate of miscellaneous revenue
10. State Support worksheet
11. Prior Collective Bargaining Agreements
12. Other past agreements between the parties
13. Data showing wages of other employees doing comparable work

This is a sample Last Best Offer (LBO) based upon the law and rules regulating Last, Best Offers, and has been designed by IEERB to provide guidance to parties. It is not intended to take the place of careful review of IC 20-29 or 560 IAC 2, or as a substitute for legal advice.

SAMPLE LBO

SCHOOL'S/EXCLUSIVE REPRESENTATIVE'S LAST BEST OFFER TO SETTLE THE 2012-2013 MASTER AGREEMENT

This Last Best Offer (LBO) is submitted by the (insert name) to settle the 2012-2013 Master Contract between the (insert name) and the (insert name). With this offer, the (insert name) certifies the school corporation will not be in deficient financing for 2013 if this LBO is accepted. All previous offers made by the Board/Exclusive Representative are rescinded and replaced by this LBO.

The (insert name) submits the attached proposal which covers the complete salary, wages, and salary and wage related fringe benefits, including accident, sickness, health, dental, vision, life, disability, retirement benefits, and paid time off for bargaining unit members. The complete cost of the proposal, covering (insert number) members of the bargaining unit identified in the LBO, is \$ (insert dollar value). This represents a (identify the percentage) of a total DOE certification of available funds of (insert the DOE certification of funds available.)

(INSERT NAME) LAST, BEST OFFER

1. **Amount:** \$ (_____)
2. **DOE Certification** of General Fund Revenue is (\$_____). *See Exhibit 1.*
3. **DLGF Certification** of General Fund Operating Referendum is (\$_____). *See Exhibit 2.*
4. **Proposed Contract Terms:** *See Exhibit 3.* This LBO will cover ____ bargaining unit employees. *See Exhibit 4.*

NARRATIVE SUPPORTING (INSERT NAME) LAST, BEST OFFER

1. Fiscal Rationale for LBO

The (insert name) attests this LBO will not place the school corporation in deficit financing as defined by IC 20-29. *See Exhibit 5.*

(Provide a narrative for the fiscal rationale for the submitted LBO.)

See Exhibits 6-16.

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2. Policy Rationale for LBO

- a. The (insert name) LBO is consistent with the past memoranda of agreements and contracts between the parties.

(Explain “why” and “how” it is consistent)

See Exhibits 17-18.

- b. The (insert name) LBO is consistent with comparables

(Explain and demonstrate the “comparables”: (i.e. nearby school districts, other professional entities, etc. Perhaps include a comparison of work days/benefits/salaries))

See Exhibit 19.

- c. The (insert name) LBO is in the public interest.

(Explain why the submitted LBO is in the best public interest.)

- d. The (insert name) LBO’s financial impact on the school corporation.

(Explain the financial impact of the LBO on the school corporation.)

See Exhibits 5-16.

SUPPORTING DOCUMENTS (ATTACHED)

1. DOE certification of general fund revenue
2. DLGF certification of general fund operating referendum (if applicable)
3. Proposed Contract
4. Scattergram of identified bargaining unit employees
5. Verification regarding deficit financing
6. Current & projected costs from the General Fund for bargaining unit members, including wages/salary and wage and salary related benefits.
7. Projected effects of multiple count days on DOE revenue estimate
8. Annual budget by line item for 2011, 2012, 2013
9. Current & project costs for all employees, including wages/salary and wage and salary related benefits, and the source of funding
10. Utility costs
11. Comparison of prior year’s budget
12. Three year+ history of revenues/expenditures
13. ADM for last three years & projected ADM for next two years
14. Form 30

This is a sample Last Best Offer (LBO) based upon the law and rules regulating Last, Best Offers, and has been designed by IEERB to provide guidance to parties. It is not intended to take the place of careful review of IC 20-29 or 560 IAC 2, or as a substitute for legal advice.

15. Certificate of miscellaneous revenue
16. State Support worksheet
17. Prior Collective Bargaining Agreements
18. Other past agreements between the parties
19. Data showing wages of other employees doing comparable work

SUMMARY

This is an opportunity for the School/Exclusive Representative to summarize their position for the LBO. Perhaps an explanation of why this LBO should be selected, and what could possibly happen if the LBO is/is not selected.

PROOF OF SERVICE

This LBO was hand delivered by the undersigned to _____, a representative of the (insert name), on _____, and will be sent via email to the IEERB at impasse@ieerb.in.gov by _____.

Name

Signature

Date